

## 2005 DRAFTING REQUEST

### Bill

Received: 02/07/2005

Received By: mglass

Wanted: As time permits

Identical to LRB:

For: Sheryl Albers (608) 266-8531

By/Representing: Ryan Gruber

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Nat. Res. - nav. waters  
Transportation - miscellaneous  
Agriculture - miscellaneous

Extra Copies:

Submit via email: NO

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Use of riprap to control erosion

---

### Instructions:

See Attached

---

### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mglass 02/16/2005			_____			
/P1	rnelson2 02/17/2005	jdye 02/17/2005	pgreensl 02/17/2005	_____	sbasford 02/17/2005		
/1	rnelson2 03/31/2005	jdye 03/31/2005	pgreensl 03/31/2005	_____	sbasford 03/31/2005		
/2	rnelson2 04/04/2005	jdye 04/04/2005	rschluet 04/04/2005	_____	lnorthro 04/04/2005	mbarman 09/26/2005	

FE Sent For:

**<END>**

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FE Sent For:

12 4/4 jld

8 4 5  
<END>

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FE Sent For:	1 3/31 jld	3/31	pg	<END>			

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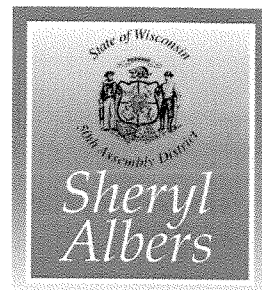
### Drafting History:

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/?	mglass	PI 3/7jd	2/11 P8	2/11 Self			

FE Sent For:

<END>

MSL?



To: LRB – Drafting  
From: Representative Sheryl K. Albers

Date: January 26, 2005  
Subject: Use of riprap to control erosion

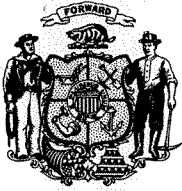
---

Please draft a 2005 bill that will prohibit state agencies from promulgating rules or policies that have the effect of preventing landowners from using riprap to protect their property from erosion.

Please contact Ryan Gruber in my office with any questions about this request. Thank you.

(lg)  
~~The~~ Except as provided in S. 30.12(3)(  
No state agency may promulgate  
~~or establish a~~ <sup>regulating</sup> a rule ~~on or for~~  
~~that~~ or prohibiting the use of ~~re~~ rip  
rap by a landowner if the riprap  
is used to protect the landowner's  
property from erosion





State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-2017/P1

RPN:.....

note

jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

1 AN ACT ...; relating to: limiting rules regarding the placement of riprap

---

*Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be provided in a later version.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2 SECTION 1. 23.21 of the statutes is created to read:

3 **23.21 Limits on rules related to riprap.** Except as provided in s. 30.12 (3)

4 (a), no state agency, as defined in s. 1.12 (1) (b), may promulgate or enforce a rule that

5 regulates or prohibits the use of riprap by a landowner if the riprap is used to prevent

6 the landowner's property from erosion.

7 (END)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2017/P1dn

RPN: <sup>8</sup>.....

jld

\* I did this draft as a preliminary draft because I was unsure if you wanted the allow the department of natural resources to have the authority under s. 30.12 (3) (a) to regulate some riprap, which is what this draft does.

The draft applies to all state agencies. OK?

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511  
E-mail: robert.nelson@legis.state.wi.us

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2017/P1dn  
RPN:jld:pg

February 17, 2005

I did this draft as a preliminary draft because I was unsure if you wanted the allow the Department of Natural Resources to have the authority under s. 30.12 (3) (a) to regulate some riprap, which is what this draft does.

The draft applies to all state agencies. OK?

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511  
E-mail: robert.nelson@legis.state.wi.us

**Nelson, Robert P.**

---

**From:** Gruber, Ryan  
**Sent:** Thursday, March 31, 2005 9:25 AM  
**To:** Nelson, Robert P.  
**Subject:** Change to LRB 2017/P1

Hi Bob,

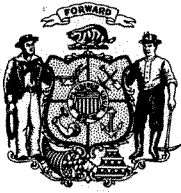
The exception of 30.12 (3)(a) is fine for now. We do need to add language however that would indicate that any erosion must be substantiated by at least one engineer with a background in hydrology or hydraulics.

If you could make that change and send it back over, I would appreciate it. Thanks Bob!

Ryan Gruber  
Research Assistant  
Office of Rep. Sheryl Albers

---

15 North, State Capitol  
Madison, WI 53708-8952  
608.266.8531  
877.947.0050 (in Wisconsin)  
608.282.3650 (fax)



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-2017/P1  
RPN:jld:pg

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 AN ACT *to create* 23.21 of the statutes; **relating to:** limiting rules regarding the  
2 placement of riprap. ✓

✓  
ins anl → *Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be provided in a later version.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3 SECTION 1. 23.21 of the statutes is created to read:

4 **23.21 Limits on rules related to riprap.** Except as provided in s. 30.12 (3)

5 (a), no state agency, as defined in s. 1.12 (1) (b), may promulgate or enforce a rule that  
6 regulates or prohibits the use of riprap by a landowner if the riprap is used to prevent  
7 the landowner's property from erosion.

8

(END)

and if that erosion is  
verified by a hydraulic or hydrology engineer

2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2017/lins  
RPN:jld:pg

insert anl:

*Lakes that are not areas  
of special natural resource  
interest*

Under current law, riparian owners may add riprap to ~~state waters~~ <sup>lakes</sup> without a permit from the Department of Natural Resources (DNR) to repair existing riprap of specified lengths, depending on the type of repair. In other situations, DNR issues general permits to authorize riparian owners to place riprap in state waters to replace or repair existing riprap, or on the bed or bank adjacent to the owner's property in limited amounts depending on the size of the ~~lake~~ <sup>lake plan</sup> involved.

This bill prohibits agencies, except ~~the~~ DNR in the circumstances mentioned above, from promulgating or enforcing a rule regarding the use of riprap that is used to prevent a landowner's property from erosion if that erosion is verified by a hydraulic or hydrology engineer.

## Emery, Lynn

---

**From:** Emery, Lynn  
**Sent:** Friday, April 01, 2005 3:29 PM  
**To:** Gruber, Ryan  
**Subject:** LRB 05-2017/1 (attached as requested)



05-2017/1

Lynn Emery  
Program Assistant  
Legislative Reference Bureau  
608-266-3561  
[lynn.emery@legis.state.wi.us](mailto:lynn.emery@legis.state.wi.us)

**Nelson, Robert P.**

---

**From:** Gruber, Ryan  
**Sent:** Monday, April 04, 2005 12:16 PM  
**To:** Nelson, Robert P.  
**Subject:** Final change to LRB 2017

PH:  
Ch 443

Hi Bob,

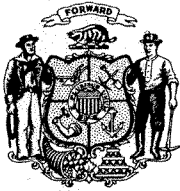
I was speaking to a guy in our district who runs an engineering firm today, and brought up LRB 2017. He said that it might be better to indicate that the erosion be confirmed by a "registered professional engineer licensed in the state of Wisconsin." He said that while the hydraulic/hydrology references are understandable, there are no specific qualifications for either. By using a qualification that professionals already use, I suppose we eliminate some ambiguity.

So if you wouldn't mind, perhaps we can change the draft to use this new language and eliminate the hydraulic/hydrology references. Let me know if you have any questions. Thanks again.

**Ryan Gruber**  
Research Assistant  
Clerk, Assembly Committee on  
Property Rights and Land Management

-----  
15 North, State Capitol  
Madison WI 53708  
Ph. 608-266-8531  
FAX 608-282-3650





State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-2017/1

RPN:jld:pg

2005 BILL

Regen

- 1 AN ACT *to create* 23.21 of the statutes; **relating to:** limiting rules regarding the  
2 placement of riprap.

---

***Analysis by the Legislative Reference Bureau***

Under current law, riparian owners may add riprap to lakes that are not areas of special natural resource interest without a permit from the Department of Natural Resources (DNR) to repair existing riprap of specified lengths, depending on the type of repair. In other situations, DNR issues general permits to authorize riparian owners to place riprap in state waters to replace or repair existing riprap, or on the bed or bank adjacent to the owner's property in limited amounts depending on the size of the lake involved.

This bill prohibits agencies, except DNR in the circumstances mentioned above, from promulgating or enforcing a rule regarding the use of riprap that is used to prevent a landowner's property from erosion if that erosion is verified by a hydraulic or hydrology engineer. *licensed professional*

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 3 SECTION 1. 23.21<sup>x</sup> of the statutes is created to read:  
4 **23.21 Limits on rules related to riprap.** Except as provided in s. 30.12 (3)  
5 (a), no state agency, as defined in s. 1.12 (1) (b), may promulgate or enforce a rule that

**BILL**

1 regulates or prohibits the use of riprap by a landowner if the riprap is used to prevent  
2 the landowner's property from erosion and if that erosion is verified by a hydraulic  
3 or hydrology engineer. *professional*

*licensed under ch. 443* ✓

(END)

**Barman, Mike**

---

**From:** LRB.Legal  
**Sent:** Wednesday, April 27, 2005 12:23 PM  
**To:** Gruber, Ryan  
**Subject:** RE: Please re-send an electronic copy of LRB 2017/2. Thanks!

*Sorry Text 2000 is down and probably won't be up and running until Thursday so we are pretty much dead in the water. We will resubmit the draft to you when we are up and running. Thanks for you patience.*

*Mike Barman*

Mike Barman - Senior Program Asst. (PH. 608-266-3561)  
(E-Mail: [mike.barman@legis.state.wi.us](mailto:mike.barman@legis.state.wi.us)) (FAX: 608-264-6948)

State of Wisconsin  
Legislative Reference Bureau - Legal Section - Front Office  
1 East Main, Suite 200 Madison, WI 53703

-----Original Message-----

**From:** Gruber, Ryan  
**Sent:** Wednesday, April 27, 2005 11:05 AM  
**To:** LRB.Legal  
**Subject:** Please re-send an electronic copy of LRB 2017/2. Thanks!

**Ryan Gruber**  
Research Assistant  
Clerk, Assembly Committee on  
Property Rights and Land Management  
Office of Rep. Sheryl Albers

-----  
15 North, State Capitol  
Madison WI 53708  
Ph. 608-266-8531  
FAX 608-282-3650

*Sent 4/28*

## Northrop, Lori

---

**From:** Waldrop, Joyce  
**Sent:** Monday, September 26, 2005 11:14 AM  
**To:** LRB.Legal  
**Subject:** LRB 2017

Please jacket LRB 2017 (Rip Rap Erosion) and send to our office.

Joyce Waldrop

**Chief of Staff/Committee Clerk**

Property Rights and Land Management

Representative Sheryl Albers

50th Assembly District

Rm. 15N State Capitol

e-mail [jwaldrop@legis.state.wi.us](mailto:jwaldrop@legis.state.wi.us)

Ph. 608/266-8531